



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

August 9, 2006

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Irela Bagué, Vice-Chair

Miya Burt-Stewart

Alice Carlson

Nicolás Gutiérrez

Lennart Lindahl

Kevin McCarty, Chair

Harkley Thornton

Malcolm Wade

Members Absent:

Michael Collins

1. **Call to Order** - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:06 am.

2. **Pledge of Allegiance** - Kevin McCarty, Chair, Governing Board

Irela Bagué led the group in the Pledge of Allegiance.

3. **Employee Recognition**

Carol Wehle, Executive Director, recognized the May Team of the Month, May Employee of the Month, 25-Year Service Award, Leadership award and the August Team of the Month.

4. **Distinguished Budget Presentation Award**

Presenters: Government Finance Officers Association

Mary Anderson Pickle, Deputy Finance Administrator, Government Finance Officer's Association, presented the South Florida Water Management District the Distinguished Budget Award. This award represents a significant achievement by the District. It indicates that the District's budget document has been reviewed and rated exceptional by an expert panel of independent budgeting professionals.

5. Arthur R. Marshall Foundation's Student Photography Project

Ms. Wehle recognized the students from the Arthur R. Marshall Foundations Student Photography Project and presented each student with a plaque of appreciation.

6. Palm Beach County Service Center Update - Fred Rapach

Fred Rapach, Director of the Palm Beach County Service Center provided information on the history of the Palm Beach County Service Center, the outreach program and the partnerships with local entities. Mr. Rapach introduced Palm Beach County Commissioner Warren Newell.

Commissioner Newell thanked District staff and reported on the wonderful partnership between Palm Beach County and the South Florida Water Management District.

7. Approval of Minutes from the last month's Governing Board Meeting

Motion made by Lennart Lindahl, seconded by Malcolm Wade to Approve the following item(s): 7

Vote called. Voting yes: Lennart Lindahl, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty. Not present: Harkley Thornton. Motion passed.

8. Agenda Addendum

Jacki McGorty, District Clerk, Office of Governing Board and Executive Services, read into the record the agenda addendum. A copy was made available to the public.

9. Abstentions by Board Members from items on the Agenda

Mr. Wade, Mr. Lindahl, Ms. Carlson, and Mr. Guittierez announced their abstentions.

10. Pull Items for Discussion from Governing Board Meeting Agenda

Port Mayaca Yacht Club (Item 17, page 8, #2) was pulled from the Consent Agenda and placed on the Discussion Agenda.

11. Audit Committee Recommendations - Alice Carlson, Chair

Chair Carlson provided information on the Audit Committee meeting which was held on August 8, 2006. Ms. Carlson reported on the Strategic Audit Plan and the Audit Committee Workshop which will be held in October 2006.

Ms. Carlson recommended the Board approve the FY2007 Audit Plan with the proposed changes. Ms. Carlson recommended approval of the modified FY2006 Audit Plan, to accept the Audit of the District's Process for FEMA Reimbursement and to accept the Audit of the District Mitigation Bank.

Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 11

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty. Not present: Harkley Thornton. Motion passed.

12. Human Resources and Outreach Committee Recommendations - Irela Bagué, Chair

Ms. Bagué reported on the activities and recommendations of the Human Resources and Outreach Committee meeting which was held on August 8, 2006.

13. Water Resource Advisory Commission Recommendations - Malcolm 'Bubba' Wade, Chair Lake Okeechobee Committee

Mr. Wade provided information on the WRAC Lake Okeechobee Committee Meeting which was held on August 3, 2006. Mr. Wade reported on the Lake Okeechobee Regulation Schedule and the concerns from the WRAC members.

Mr. Wade reported on the time frame for the draft DIS schedule and the possibility of meeting with the U.S. Army Corp. of Engineers (USACE) to discuss the concerns of the WRAC members and then to meet with the full WRAC in September.

Ms. Wehle commented on these concerns and said Col. Grosskruger will be at the District on August 28th to address these issues. Ms. Wehle requested all the comments be consolidated in a letter and sent to Col. Grosskruger prior to this meeting so he can review the comments from WRAC.

Mr. Merriam provided comment about the importance of the written comments for the National Environmental Policy Act (NEPA) process.

Rick Smith, Lead Ecosystem Restoration Representative, Office of Governing Board and Executive Services, provided the dates of the USACE Public Hearings.

14. Public Comment on Consent Agenda

Public Comment: Jacque Rippe representing Jim Hull-Golden Ox, Ft. Myers, provided public comment regarding Crook's Ranch and a temporary water use permit.

Mr. Merriam provided information on the C-139 Basin and the consumptive use permit. Mr. Wade said he will work with the property owner to get this rectified.

Rosa Durando representing the Audubon Society, Lake Worth, provided public comment on wetland preservation.

Alex Larson, private citizen, Loxahatchee, provided public comment on the mitigation process.

15. Board Comment on Consent Agenda

Consent Agenda

Water Resources

16. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

17. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Surface Water Management Permit Extensions

Consent Agreements

Page 1 No 1 Ave Maria University and Town (WU): **Postponed** to September Board

Page 15 No 1 Tesoro (WU): **Postponed** to September Board

Page 16 No 1 Fairlake at Weston (WU Denial): **Removed** from agenda

Page 16 No 2 Laguna Springs I (WU Denial): **Removed** from agenda

Page 17 No 1 Horsecreek Estates (WU Denial): **Removed** from agenda

Page 17 No 2 Tarpon Cove Subdivision III (WU Denial): **Postponed** to September Board

Page 17 No 3 Whistlers Cove Apartments (WU Denial): **Removed** from agenda

Page 18 No 3 Watrous Plantation (WU Denial): **Removed** from agenda

Page 19 No 1 Palm City II Landfill (WU Denial): **Removed** from agenda

Page 21 No 1 Westside Boulevard (WU Denial): **Removed** from agenda

Page 22 No 1 State Road 9 (I-95) (WU Denial): **Removed** from agenda

Page 26 No 3 Smith Ranch and Grove Access Road (Consent Agreement): **Postponed** to September Board

18. **2006-800** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Tohopekaliga Water Authority for the investigation of hydrologic conditions of the Floridan aquifer in southeast Osceola County in an amount not-to-exceed \$225,000 for which Ad valorem funds are budgeted; providing an effective date. (Contract Number 3600001315)
19. **2006-801** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement with the St. John's River Water Management District (SJRWMD) to designate to the District all regulatory responsibilities for Environmental Resource Permits under Part IV of Chapter 373, F.S., for those activities by Florida Department of Transportation (FDOT) which are associated with the Florida Turnpike Roadway project within the Lake Olivia Basin located in Orange County; providing an effective date (Robert M. Brown, ext 6283)
20. **2006-802** A Resolution of the Governing Board of the South Florida Water Management District to authorize the Interlocal Agreement with Palm Beach County (County) to transfer funds in the amount of \$52,000 to the County to complete the maintenance work required by the District as a result of an enforcement case against the previous property owner; providing an effective date (Anita Bain, ext 6866)
21. Authorize publication of the Notice of Rulemaking in the Florida Administrative Weekly (FAW) to amend Rule 40E-4.091, F.A.C. and Section 4.3.2 of the Basis of Review for Environmental Resource Permit Applications, to incorporate the Uniform Mitigation Assessment Method (UMAM) pursuant to Rule 62-345, F.A.C., for applications received on or after February 2, 2004 (Anita Bain, ext 6866) (Susan Martin, ext 6251)
22. Authorize publication of the Notice of Rulemaking in the Florida Administrative Weekly (FAW) to amend Rules 40E-1.659, F.A.C., and 40E-4.091, F.A.C. to incorporate conservation easement and restrictive covenant forms and to incorporate conservation language for plats (Anita Bain, ext 6866)
23. Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-4.091, F.A.C., to incorporate the revised Operating Agreement Concerning the Regulation under Part IV, Chapter 373, F.S. between the South Florida Water Management District and the Department of Environmental Protection (Anita Bain, ext 6866)
24. Authorize publication of Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-1.659, F.A.C., to incorporate by reference the Off-Site Compensatory Storage of Surface Waters Easement Form, and to amend the Districts Basis of Review for Environmental Resource Permits to clarify requirements for providing compensatory storage (Anthony Waterhouse, ext 6867)

CERP

25. **2006-803** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the purchase of land interests containing 321.95 acres, more or less, in the amount of \$2,736,600; and associated costs; for the C-111 Spreader Canal CERP Project, in Miami-Dade County; providing an effective date. (B. Katz, ext. 6837)
26. **2006-804** A Resolution of the Governing Board of the South Florida Water Management District to approve the CREW Management Area General Management Plan (2006-2011); providing an effective date. (J. Dunnuck, ext. 6016)
27. **2006-805** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the use of \$2,766.60 from the Water Management Lands Trust Fund for the 2005 payment in lieu of taxes to Highlands County for actual ad valorem tax losses incurred as a result of land purchased by the District, requesting the Department of Environmental Protection to reimburse the District for this payment; providing an effective date. (R. Clements, ext. 6271)
28. **2006-806** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the use of \$6,786.92 from the Water Management Lands Trust Fund for the 2005 payment in lieu of taxes to Hendry County for actual ad valorem tax losses incurred as a result of land purchased by the District, requesting the Department to reimburse the District for this payment; providing an effective date. (R. Clements, ext. 6271)
30. **2006-808** A Resolution of the Governing Board of the South Florida Water Management District amending Resolution No. 2006-443 by requesting the release of funds by the Department of Environmental Protection for the acquisition of land interests containing 2,281.72 acres, more or less, and the payment for the construction of an engineering solution with respect to lands containing 9,698.12 acres, more or less, in the total amount of \$34,000,000.00 and all associated costs, from Florida Forever Trust Fund; for the Kissimmee River Project in Highlands County; providing an effective date. (R. Clements, ext. 6271)
31. **2006-809** A Resolution of the Governing Board of the South Florida Water Management District approving staff recommendations for Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F) Canal Reservations, and issuance of Non-Use Commitments; providing an effective date. (V. Rada, ext. 6836)
32. A Proclamation of the Governing Board of the South Florida Water Management District to the staff of the Florida Division of State Lands, Florida Department of Environmental Protection, for resolving the challenges and having the District successfully close on the Lykes property to support the Kissimmee River Restoration on July 20, 2006. (R. Clements, ext. 6271)

Executive Office

- 33. 2006-810** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$103,625.00, plus \$25,946.25 for attorneys fees and \$10,333.75 for expert fees and costs, for which Florida Forever Trust Fund and District Ad Valorem funds are budgeted, for a condemnation action involving approximately 5 acres (Tract No. 005-261 Billy Don Grant) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) project styled South Florida Water Management District v. Martin W. Snow, et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 03-1771-ca-jhs; providing an effective date. (Ed Artau, Ext. 6431)
- 34. 2006-811** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$284,500.00, plus \$63,195.00 for attorneys fees and \$9,667.03 for expert fees and costs, for which Florida Forever Trust Fund and District Ad Valorem funds are budgeted, for a condemnation action involving approximately 5 acres (Tract No. 003-756 Daniel and Brenda Curran), with a home, within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) project styled South Florida Water Management District v. Richard H. Capen, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-ca-1657; providing an effective date. (Ed Artau, Ext. 6431)
- 35. 2006-812** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$87,500.00, plus \$23,925.00 for attorneys fees and \$9,667.03 for expert fees and costs, for which Florida Forever Trust Fund and District ad valorem funds are budgeted, for a condemnation action involving approximately 5 acres (Tract No. 003-751 Daniel and Brenda Curran) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) project styled South Florida Water Management District v. Richard H. Capen, Jr., et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 04-ca-1657; providing an effective date. (Ed Artau, Ext. 6431)
- 36. 2006-813** A Resolution of the Governing Board of the South Florida Water Management District finding a public purpose for and authorizing the reimbursement of certain legal fees, for which ad valorem funds in the amount of \$11,039.80 are budgeted, regarding Florida Commission on Ethics Complaint No. 04-054; providing an effective date. (Eileen Coates, x6278)
- 37. 2006-814** A Resolution of the Governing Board of the South Florida Water Management District to approve the Memorandum of Understanding Between the Seminole Tribe of Florida and the South Florida Water Management District Regarding Tribal Use of District Rights of way; providing an effective date.

38. **2006-815** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cost share agreement with Collier County for the Groundwater Water Quality Monitoring Grant, a total estimated project cost of \$680,000, in which the District's contribution is not to exceed \$337,601 for which dedicated funds (Big Cypress Basin) are budgeted in the amount of \$108,150 in FY06 and the remainder is subject to Governing Board approval of the FY07-FY08 budgets, providing an effective date. (Contract No. 3600001159)
39. **2006-816** A Resolution of the Governing Board of the South Florida Water Management District, authorizing execution of a Master Lease Purchase Agreement and Schedule 2006 thereto; authorizing execution of a Series 2006 Ground Lease and Series 2006 Sub-Ground Lease(s); approving the form of a master trust agreement and the appointment of a trustee thereunder; approving the form of a Series 2006 Supplemental Trust Agreement and a Series 2006 Assignment Agreement; approving the negotiated sale of Certificates of Participation, Series 2006 in an aggregate principal amount of not to exceed \$600,000,000 and authorizing execution of a certificate purchase contract; approving the form of a preliminary offering statement and authorizing its distribution and use in connection with the offering for sale of the Series 2006 Certificates; authorizing execution and delivery of a final offering statement; authorizing the execution of a continuing disclosure certificate; authorizing the acceptance of a commitment for the issuance of a municipal bond insurance policy securing the Series 2006 Certificates; providing for incidental action; and providing for an effective date. (Paul Dumars, ext 6212)
40. **2006-817** A Resolution of the Governing Board of the South Florida Water Management District authorizing amending a contract with the law firm of Ruden, McClosky, Smith, Schuster & Russell, P.A., in the amount not to exceed \$112,500.00 for which CERP ad valorem funds are budgeted; providing an effective date. (Frank Mendez, x6260)
41. **2006-818** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a contract with the law firm of Sidley Austin, LLP, in the amount not to exceed \$350,000.00 for which CERP funds in the amount of \$10,000.00 are budgeted in FY06 and the remaining \$340,000.00 pending Governing Board approval of the FY07 budget, for the purpose of legal representation of ACCELER8 permit challenges; providing an effective date. (Scott Glazier, x6267)

Corporate Resources

42. **2006-819** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District budget as shown on the attachment hereto; providing an effective date

Project Sponsor: Doug Bergstrom, ext. 6214

- 43. 2006-820** A Resolution of the Governing Board of the South Florida Water Management District approving an amendment to Chapter 155-8 of the Procurement and Contracting Policy

Project Sponsor: Frank Hayden, Director, Procurement

- 44. 2006-821** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into Amendment Four (4) for a five-year lease extension with Insight Development for a building that is being used as an on-site child care facility at Headquarters in the amount of \$714,747, of ad valorem funds, which is subject to Governing Board approval of the FY07-11 budgets; providing an effective date. (Contract Number 3600000227)

Operations and Maintenance

- 45. 2006-822** A Resolution of the Governing Board of the South Florida Water Management District to authorize a 3 year purchase order with Kyra InfoTech Inc and authorize a Special Procurement as an exception to the general standards of competition, for Water Management System, Data and Decision Support System Programming Services in the not-to-exceed amount of \$513,000, for which ad valorem funds are subject to Governing Board approval of the FY07-FY09 budget(s); providing an effective date. (Purchase Order XXXXXX)

46. Board Vote on Consent Agenda

Port Mayaca Yacht Club (Item 17, page 8, #2) was pulled from the Consent Agenda and moved to the Discussion Agenda (Item 75).

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Mr. Lindahl provided comment on Florida Power & Light and the maintenance of the pump and seepage.

Public Comment: Steve Walker representing Port Mayaca Yacht Club provided public comment on this item.

Motion made by Len Lindahl, seconded by Alice Carlson to Approve Item 75. Vote called. Voting yes: Lennart Lindahl, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Kevin McCarty. Abstained: Nicolás Gutiérrez, Malcolm Wade. Not present: Harkley Thornton. Motion passed.

Motion made by Lennart Lindahl, seconded by Nicolás Gutiérrez to Approve the following item(s): 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

Vote called. Voting yes: Lennart Lindahl, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty. Abstained: Malcolm Wade. Not present: Harkley Thornton. Motion passed.

Discussion Agenda

Water Resources

- 47. 2006-823** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5 year cooperative agreement with Florida International University, single respondent to a university request for proposals for the South Florida Coastal Water Quality Monitoring Network, in the not-to-exceed amount of \$3,733,924 of which \$707,264 in ad valorem funds are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing an effective date. (Contract Number 4600000352) (Linda Lindstrom x6820)

Linda Lindstrom, Director, Environmental Resource Assessment Department, presented information on this item.

Motion made by Lennart Lindahl, seconded by Nicolás Gutiérrez to Approve the following item(s): 47

Vote called. Voting yes: Lennart Lindahl, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty. Not present: Harkley Thornton, Malcolm Wade. Motion passed.

48. CERP Coordination

Approve Environmental Resource Permit Application 050301-9 for construction and operation of a surface water management system serving a 32.54 acre residential development known as Oasis Cove (fka Reflection Cove) (Lee County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 48

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Miya Burt-Stewart, Lennart Lindahl, Kevin McCarty. Not present: Irela Bagué, Harkley Thornton, Malcolm Wade. Motion passed.

49. CERP Coordination

Approve Environmental Resource Permit Application 060606-27 for construction of a shell mine known as Moore Haven Mine (Glades County) (Robert M. Brown, ext 6283)

Robert Brown, Director, Environmental Resource Regulation Department, presented information on this item.

Motion made by Lennart Lindahl, seconded by Nicolás Gutiérrez to Approve the following item(s): 49

Vote called. Voting yes: Lennart Lindahl, Nicolás Gutiérrez, Miya Burt-Stewart, Alice Carlson, Kevin McCarty, Malcolm Wade. Not present: Irela Bagué, Harkley Thornton. Motion passed.

- 51. 2006-824** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year contract with HMC Helicopter Services, Inc., providing that, subject to successful negotiations, for Float Helicopter Services, in an amount not to exceed \$2,400,000, of which dedicated funds (Comprehensive Everglades Restoration Plan Fund, Florida Bay Fund, and Everglades Restoration Trust Fund) in the combined total of \$270,400 is budgeted, and the remainder is subject to Governing Board approval of the FY07-FY09 budgets. HMC Helicopter Services, Inc. was the single responsible and responsive respondent; if negotiations are unsuccessful with HMC Helicopter, Inc., the District will resolicit proposals until a contract has been successfully negotiated; providing an effective date. (Contract Number 3600001318) (Dean Powell, ext. 6787)

No presentation was provided.

Motion made by Lennart Lindahl, seconded by Alice Carlson to Approve the following item(s): 51

Vote called. Voting yes: Lennart Lindahl, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Kevin McCarty, Malcolm Wade. Not present: Nicolás Gutiérrez, Harkley Thornton. Motion passed.

CERP

- 74. 2006-835** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract Number OT051120 with the Florida Department of Corrections to provide work squads, to extend the term by 1 year, from August 15, 2006 to August 14, 2007, in an amount not to exceed \$104,660 for which \$5,000 in ad valorem funds (Okeechobee Basin) are budgeted and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number OT051120-A01) (J. Dunnuck, ext. 6016)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Malcolm Wade, seconded by Nicolás Gutiérrez to Approve the following item(s): 74

Vote called. Voting yes: Malcolm Wade, Nicolás Gutiérrez, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Irela Bagué. Motion passed.

- 54. 2006-827** A Resolution of the Governing Board of the South Florida Water Management District regarding citrus leases; authorizing the amendment of the leases to provide for the disbursement to lessees of payments received by the District under the federal Citrus Canker Lost Production Income Program for trees removed from the leased premises, subject to certain conditions; authorizing amendments to two citrus leases with Graves Brothers Company (Contract Nos. C-LS040811 and C-LS040813 (Tetley); delegating authority to execute the aforesaid amendments to the Executive Director or her designee; providing an effective date. (J. Dunnuck, ext. 6016)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Malcolm Wade, seconded by Alice Carlson to Approve the following item(s): 54

Vote called. Voting yes: Malcolm Wade, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Motion passed.

Executive Office

- 55. 2006-828** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 25 month Purchase Order with Meridian Partners LLC, as a Special Procurement using State of Florida pricing #973-561-06-1 for consulting services for the SAP Solution Center in an amount not to exceed \$10,000,000, for which ad valorem funds in the amount of \$60,000 are budgeted and the remainder is subject to Governing Board approval of the FY07-FY08 budgets; providing an effective date.(Purchase Order XXXXXXXX).

No presentation was provided.

Motion made by Harkley Thornton, seconded by Nicolás Gutiérrez to Approve the following item(s): 55

Vote called. Voting yes: Harkley Thornton, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

- 56. 2006-829** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day Cooperative Agreement with the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture for debris removal and canal bank repairs damaged by hurricane Wilma in the North Fork of New River in an amount not to exceed \$1,700,000, as reimbursement to the District, of which \$425,000 in ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date.

No presentation was provided.

Motion made by Irela Bagué, seconded by Nicolás Gutiérrez to Approve the following item(s): 56

Vote called. Voting yes: Irela Bagué, Nicolás Gutiérrez, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

Operations and Maintenance

- 57. 2006-830** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 360 day contract with The Murphy Construction Company, the lowest responsive and responsible bidder, for the Automation of S-57, S-60, S-62, S-63 & S-63A in the amount of \$1,346,504.24, for which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060701 / 3600001281)

Cled Weldon, Department Director, Construction & Engineering, presented information on this agenda item.

Motion made by Alice Carlson, seconded by Irela Bagué to Approve the following item(s): 57

Vote called. Voting yes: Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 58. 2006-831** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 360 day contract with The Murphy Construction Company, the lowest responsive and responsible bidder, for the automation of S-59, S-61, S-65, S-65A & S-65D, in the amount of \$1,508,622.30, for which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060700 / 3600001280)

Cled Weldon, Department Director, Construction & Engineering, presented information on this agenda item.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 58

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 59. 2006-832** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with Subaqueous Service Inc. the lowest responsive and responsible bidder, for the C-4 Canal Conveyance Improvements (Belen) in the amount of \$3,369,000, of which dedicated funds (FEMA) of \$50,000 are budgeted; and authorize a budget transfer from Managerial Reserves to the Operations & Maintenance Program Element Canal / Levee Maintenance / Canal Conveyance and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060252 / 3600001272)

Cled Weldon, Department Director, Construction & Engineering, presented information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Miya Burt-Stewart to Approve the following item(s): 59

Vote called. Voting yes: Nicolás Gutiérrez, Miya Burt-Stewart, Irela Bagué, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 60. 2006-833** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 300 day contract with Thomas Marine Construction, Inc. the lowest responsive and responsible bidder, for the Golden Gate Weir 2 replacement structure in the amount of \$4,269,000 for which dedicated (Big Cypress Basin) funds of \$100,000 are budgeted; and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060254 / 3600001273)

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 60

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 61. 2006-834** A Resolution of the Governing Board of the South Florida Water Management District approving the attached first amendment to the employment agreement of Carol Ann Wehle, Executive Director, for the purpose of revising the Executive Director's performance review period; providing for an annual review; and providing an effective date.

Project Sponsor: Lourdes Ramos, ext. 6370

Chair McCarty reported on Ms. Wehle's annual performance review and said that Ms. Wehle scored in the highest category.

Mr. Gutiérrez made a recommendation for a seven percent increase in salary.

Ms. Wehle thanked the Governing Board and also praised Tom Olliff and the Deputy Executive Directors for their continued support to her and their dedication to the District.

Mr. Gutiérrez also thanked Mr. Olliff for his performance at the District.

Mr. Gutiérrez recommended a narrative section in the evaluation package which was not in the process this year.

Mr. Gutiérrez praised the wonderful relationship between the Governing Board and the District Leadership Team (DLT).

Mr. Lindahl complimented Ms. Wehle's on her remarkable transition from the Assistant Executive Director to the Executive Director.

Ms. Burt-Stewart praised Ms. Wehle on her Leadership abilities.

Motion made by Irela Bagué, seconded by Nicolás Gutiérrez to Approve the following item(s): 61

Vote called. Voting yes: Irela Bagué, Nicolás Gutiérrez, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

62. Public Comment

Public Comment: Sharon Waite, representing the taxpayers of Palm Beach County provided public comment on mitigation and on the helicopter contract.

Public Comment: Rosa Durando representing the Audubon Society, Lake Worth, provided public comment on mitigation and the FPL Plant.

Public Comment Alex Larson, private citizen, Loxahatchee, provided public comment on the STAs, the helicopter contract and the FPL Plant.

Staff Reports

63. Water Conditions Report - Bob Howard P.E.

Susan Sylvester, Deputy Department Director, Operations Control, presented information on the water conditions of Lake Okeechobee. Ms. Sylvester reported on melaleuca removal project.

Dean Powell, Department Director, Watershed Management, provided an update on the St. Lucie and the Caloosahatchee Estuaries. Mr. Powell reported on the MFLs of these estuaries.

Mr. Lindahl provided comment on weather statistics of Lake Okeechobee.

64. Lake Okeechobee Conditions Report - Susan Gray

Susan Gray, Deputy Department Director, Watershed Management, presented information on the conditions of Lake Okeechobee.

65. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Director of Office of Policy and Legislation, provided an update on WRDA 2006.

Mr. Barnett reported on the Dam Safety Standards Program, the briefing staff had with Governor Bush regarding the District's budget, and on HB1123 (Sunset Legislation).

Mr. Olliff provided comment and said the HB1123 report will be presented to the Governing Board in November.

66. Calendar Update - Jacki McGorty

Jacki McGorty, District Clerk, provided a calendar update.

67. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, provided an update on the General Counsel Report.

68. Executive Director's Report - Carol Wehle

No report was provided.

69. Board Comment

There was no Board comment.

Adjournment

73. Adjourn

Chair McCarty adjourned the meeting at 11:45 am.

Kevin McCarty, Chairman
South Florida Water Management District